IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO: 19203 of 2003

Between:

K. Ramakrishna Reddy, S/o K. Venkatreddy, 56 years,
E.P.Operator, PKOC-II, Singareni Collieries
Company Ltd., Manuguru, Khammam District.

… Petitioner

And

1. The General Manager, Singareni Collieries Co.Ltd., Manuguru
   Khammam District.
2. The Director (PA & W) Singareni Collieries Co.Ltd., Kothagudem,
Khammam.
3. The General Manager (Personnel), Singareni Collieries Co.Ltd.
Kothagudem,
   Khammam District.
4. The Superintendent of Mines, PKOC-II, Singareni Collieries Ltd, Manguru,
   Khammam District.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus

a. Declaring the action of the respondents herein intimating the petitioner through proceedings dated 27-08-2003 bearing No.MNG/per/15/GVRS/512 issued by the respondent No.1 herein that the petitioner's date of birth is recorded as 30-01-1945 and he is not entitled for the voluntary retirement scheme (golden Hand Shake) as he is left with less than 2 years of service for superannuation as per the guidelines in the circular even though his actual date of birth which is recorded earlier as per the school certificate without any notice to the petitioner is arbitrary and illegal. B. Directing the respondents to permit the petitioner herein to go on voluntary retirement scheme (golden hand shake) by considering his application.

Counsel for the Petitioner: **K. Ramakrishna Reddy**

Counsel for the respondents: **Mr. Srinivasa Murthy**

The Court made the following Order:

ORDER:

The petitioner claims that his date of birth is 18-09-1947 and it was entered so in the Service records and that his date of birth is authenticated by a School Certificate. The respondent-Singareni Collieries contends to the contrary that the petitioner, after a period of service in the Army, was employed in the Singareni Collieries and was assessed as being 34 years of age in 1979 when he was appointed and that, on that basis, his date of birth has been determined and recorded in the Service Register as 30-01-1945. It is also stated by the respondents that the petitioner was medically examined on 09-01-1979 and was determined to be of 34 years of age at the time of his examination, and on that basis, his date of birth was recorded in the Service Register as 30-01-1945. Responding to the contention of the petitioner, the respondents state that there are some interpolations in the Service Register of the petitioner and that there is superscription regarding the date of birth as 18-09-1947 and that even on 17-08-2003, the petitioner had made a representation to the Personnel Director seeking correction of his date of birth and therefore, in the original Service Register, it could not have been recorded 18-09-1947 as his date of birth.

The petitioner applied for Voluntary Retirement pursuant to

a scheme enunciated in this behalf. Indisputably, the terms of the scheme record that the person to be entitled to the benefits of Voluntary Retirement should have at least two years of service as on the date of Voluntary Retirement is applied for and granted. If 1945 were the correct date of birth of the petitioner, he would not be entitled to the Voluntary Retirement benefits. He would, however be so entitled if 1947 were the correct date of birth. The petitioner's application for Voluntary Retirement was rejected on the ground that he did not have two years of service, and therefore was disentitled. Hence the present Writ Petition.

As there are serious factual disputes between the parties as to the date of birth of the petitioner and as there are said to be interpolations in the Service Register of the petitioner, I consider it appropriate to direct the respondents to enquire into the petitioner's claim as to the correct date of birth as recorded in the Service Register and to determine the same expeditiously in any case within a period of four weeks from the date of receipt of a copy of this Order.

On the basis of determination of the correct date of birth, the petitioner's claim and request for Voluntary Retirement should be considered in accordance with the scheme. If the petitioner seeks to proceed on leave prior to retirement and makes an application on this behalf, the same shall be considered by the respondents without prejudice to his claim for Voluntary Retirement which would be based on the determination of his date of birth in an enquiry to be conducted and directed herein above.

The Writ petition is disposed of. No costs.

_____

(GODA RAGHURAM, J)

June 24, 2004
Mrr

Copy to:

1. The General Manager, Singareni Collieries Co.Ltd., Manuguru
   Khammam District.
2. The Director (PA & W) Singareni Collieries Co.Ltd., Kothagudem,
Khammam.
3. The General Manager (Personnel), Singareni Collieries Co.Ltd.
Kothagudem,
   Khammam District.
4. The Superintendent of Mines, PKOC-II, Singareni Collieries Ltd, Manguru,
   Khammam District.
5 Two C.D. Copies.